INSTRVCTIONS AND DIRECTIONS

giuen by His Maieſtie, vnder His *great Seale of England, bearing* date the 9. day of Ianuary laſt, Now newly Imprinted:

With certaine Additions to the ſame, for the better explanation thereof:

Giuen alſo vnder his Highneſſe great Seale of England, bearing date the 7. day of February.

To the Maſter and Counſaile of the Court of Wards and Liueries.

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HONI SOIT QVI MAL Y PENSE

¶ By the King.

IAMES, *by the grace of* GOD *King of England, Scotlande, France and Ireland, Defender of the Faith, &c.* To Our right truſtie, and right welbeloued Couſin and Counſellour *Robert* Earle of Salisbury, Our High Treaſourer of England, and Maſter of Our Court of Wards and Liueries, And to Our truſty and welbeloued the Councell of the ſame Court for the time being, Greeting. WHEREAS it doeth appeare bv

common experience, in the courſe which hath bene held, ſince the firſt erection of Our Court of Wards and Liueries, That partly by ſlackneſſe of the friends of the Wards, vpon the deceaſe of the parents or Anceſtours (who haue forborne to offer timely Compoſition, ſometimes with opinion that no Tytle could be found for Vs, and ſometimes with purpoſe to ſuppreſſe the ſame) and partly by the ſute of other men, the Cuſtody of the bodies and lands of Our Wards, haue bene committed to ſuch perſons, ſome for one reſpect, ſome for another, as (notwithſtanding the care and prouidence of you the Maſter and Councell of Our Court, to binde them in great Bonds and Couenants for the well educating of the Children, and preſeruation of their inheritance) haue bene careleſſe of their education, married ſome in meane places, committed waſts and ſpoiles vpon their Lands, and in the ende haue exacted greater ſummes of money, for the marriages of ſuch Wards, then they ought to haue done, in reaſon or equitie; notwith-

withſtanding any their diſburſements whatſoeuer for paſsing or procuring the ſame.

And whereas We haue bene alſo informed by you the Maſter of Our ſaid Court, that by reaſon of the great difficulties that haue bene found by the Court, vpon ſight of Offices, and Surueyes onely, to ſet downe Compoſitions for Wardſhips and Leaſes of Wards lands, with ſuch equalitie and moderation betweene Vs, and Our Subiects, as were iuſt and reaſonable; and that through want of due information in that behalfe, much of the profit that you would haue raiſed for Vs, hath bene diuerted to diuers Sutors and Committees, who by obſcuring the trueth of the Wards eſtate, and by miſinforming of the Court therein, haue reaped greater benefite, then was intended, if you could by ordinarie meanes, haue come by the knowledge of their values; ſo as, both We haue receiued leſſe then otherwiſe Wee ſhould haue done, and the Ward found little eaſe in many caſes.

Where-

Wherefore, for the preuenting of theſe and the like inconueniences, and to the end that our louing Subiects may ſtand aſſured, That Wee deſire nothing more, then that their Children and their Lands, that ſhall fall vnto Vs by reaſon of Wardſhip, might after their deceaſe, bee committed to their neereſt and truſtieſt friends, or to ſuch as they by Will, or otherwiſe, ſhall commit the charge vnto, vpon ſuch valuable conſiderations, as are iuſt and reaſonable: And to the intent that the Parents and Anceſtours, may depart in greater Peace, in hope of this Our gracious fauour; and their friendes may ſee their Children brought vp in pietie and learning; and may take ſuch care as is fit, for the preſeruation of their inheritance (if they wil ſeeke the ſame in time, and by ſuch meanes as are fit and conuenient) Wee haue thought good hereby to require you, the Maſter & Councell of Our ſaid Court, and the Maſter and Councell of the ſaid Court for the time being, that in diſpoſing and committing of the Cuſtody of the bodie

dies and Lands of ſuch Our Wards, whoſe Anceſtours haue deceaſed ſince the ninth day of Ianuary laſt, or ſhal die from and after the date of theſe preſents, and of ſuch Ideots and Lunatickes, and their eſtates, as ſhall fall vnto vs from henceforth, you ſtrictly and carefully obſerue theſe our directions following.

FIRST, That no Graunt or promiſe be made of the cuſtodie of the body or lands of any Warde, nor any compoſition for the ſame, vntill the end of one moneth next after the death of the Anceſtour of the Ward, to the end that the neereſt and truſtieſt friends of the Anceſtours, or other perſons nominated by the Anceſtour in that behalfe, may in the meane time become Sutors for the ſame, among whom choice may be made of the beſt and fitteſt.

ALſo you ſhall do your beſt endeuour to informe your ſelfe as particularly as you may, by commiſsion, ſuruey, or otherwiſe,

of the trūeth of the Wards eſtate, as well of his inheritance as of his goods and chattels, and of the eſtate of the deceaſed Anceſtour, and of all other due circumſtances conſiderable, to the end the compoſitions may be ſuch, as may ſtand both with Our reaſonable profit, and with the ability of the heires eſtate.

THat all ſales and compoſitions for Wardſhip of the bodies, and leaſes of lands, be made by the Maſter of the ſaide Court, and by ſuch perſons as are authorized by Statute in that behalfe. Neuertheles, the Surueyour of the Liueries, the Atturney of the Wards, Receiuer and Auditours, or any foure of them without the Maſter, may treat with any to bring the ſaid Wardſhips and Leaſes to a price, openly in the Counſell Chamber of the Court of Wards, and acquaint the Maſter therewith, in whoſe power it ſhall be to allow or diſallow of the ſame according to the ſaid Statute.

THat no Wardſhip of the body or land ſhall be giuen or granted to any perſon,

ſon, or at his ſuite, in way of reward or benefite, but the beſt price and value that ſhall be offered, ſhall be taken to Our vſe: ſo alwayes as the neereſt and truſtieſt friends, or the perſons nominated by the Anceſtour, (they ſeeking the ſame in time conuenient as aforeſaid, and making fit Offer for it) be preferred, and conſideration had of the Wardes Eſtate, and of all due Circumſtances conſiderable in ſuch caſes.

THat Leaſes of Wards Landes be made without Fine, for the beſt improoued yeerely Rent that ſhall be offered, conſideration being had of all due Cautions, as aforeſaid.

THat fellable Woods, and Fines of Copy-holdes of Inheritance, be alſo reaſonably valewed and demiſed with the Landes, for the beſt yeerely Rents as aforeſaid: with prouiſion for the fellable woods, that the Leaſſees fell them by fit portions.

THat Fines for Copy-holds for Liues, be made and raiſed to Our vſe, when

and as often as the Court ſhall thinke good, by certaine particular Commiſsioners to be appointed by the Maſter and Counſell of our ſaid Court, which Commiſsioners ſhal be charged to make the beſt of ſuch Copieholds to be granted, and truely to anſwere vnto vs, into our receipt of our ſaide Court, all ſuch ſummes, without fraude or couine, as by them ſhall haue beene receiued, due conſideration being had of their paines and expences.

THat you obſerue the like rules, orders, cautions, and conſiderations, as well for Our profite, as otherwiſe, in committing and diſpoſing of the Lands, fellable woods, Fines of Copyholds of inheritance, or for Liues, of Ideots, as by theſe Preſents are preſcribed for Wards: reſpectiuely, according to the nature of the caſe, giuing to their friends, that will take charge of them, ſuch competent allowance for their maintenance out of the eſtates of ſuch Ideots, as the ſame will beare.

But

BVt touching Lunatickes, Let no compoſition be taken, for the committing of them or their eſtates: but let ſuch care be had therein, as they may be freely committed to their beſt and neereſt friends, that can receiue no benefit by their death, and the Committees bound to anſwere, not only the values found by office, but the very juſt value of their Eſtates, vpon Account, for the benefit of ſuch Lunaticke (if he recouer) or of the next heire; due regard being had to the paines and charges of ſuch Committees, in keeping, maintaining, gouerning, and curing of the ſayd diſtracted Perſons.

AND becauſe Our purpoſe in this courſe which now is taken, is to raiſe with as little grieuance as may bee to Our louing Subiects, that reaſonable benefite which ought to come vnto vs by mariages of Our Wards, and by the Leaſes of their Lands, (whereof a great part hath beene diuerted by Graunts to Committees, and otherwiſe) We doe hereby declare, That it is not Our

meaning to change the courſe that hath beene formerly helde and vſed in finding Offices, nor to preſſe the raiſing or improouing of any Values or Rates in any Inquiſitions; neither will Wee haue the Rents which ſhall be reſerued vpon ſuch Leaſes, or any ſuch Certificates, Informations, or Inſtructions, as ſhall by any meanes be giuen or appeare, of the values of ſuch Wards Lands or Eſtates, to be tranſcripted or tranſmitted to any other Court, Office, place or perſon, or admitted or vſed as Preſident, Euidence, or Inducement, to charge Our Subiects in any other paiments, now or hereafter anſwerable vnto Vs, Our Heires or Succeſſours, or for any other cauſe.

AND further, foraſmuch as We haue a good while ſince perceiued by you the Maſter of the ſayd Court, that you are not only ready and deſirous, to imploy the vttermoſt of your cares and endeauours, for purſuing and effecting Our Directions, aſwell ſuch as ſhould concerne the increaſe of Our owne Profit, as thoſe that ſhould con-

cerne

cerne the ſafety and preſeruation of their Eſtates, that are in this ſort to be protected by Vs; but are likewiſe moſt deſirous in this time of our vrgent neceſsities, that it may appeare, aſwell to the whole world, as it is ſetled in your owne conſcience, that you are reſolued to forgoe and abandon, all that benefite that might hereafter ariſe to your ſelfe, or to any other, by any ſuch Fines or Compoſitions, notwithſtanding any thing that hath beene taken or challenged, by all the Maſters of the ſaid Court by continued Cuſtome, vſe, and preſcription, euer ſince the erection thereof; Wee haue thought good to require you, and ſo Wee doe authorize you hereby, that you giue order, that euery perſon that ſhall proſecute ſuch Compoſition, for the cuſtody of a Ward Ideot or Lunaticke, or Leaſe of their Land, or other Eſtate, ſhall before any Grant of the body, or Leaſe of the Land be deliuered vnto him vnder Seale of our ſaid Court, take his corporall Othe in open Court, or by Commiſsion (if the cauſe ſhall ſo require) before three Commiſsioners at the leaſt,

leaſt, whereof one to be a Iuſtice of the Peace, to be certified and returned into the Court, before the deliuery of ſuch Grant or Leaſe in maner and forme following. Viz.

I A. B. doe ſweare, that neither I, nor any other to my knowledge, haue or hath giuen, or promiſed, procured, or conſented to giue or to bee giuen, any gift or reward, directly or indirectly, vnto any Officer or Officers of the Court of Wards and Liueries, or to any other perſon or perſons whatſoeuer, for procuring any preferrement to compound before another, or for mitigation in the price or paiment, in any Compoſition or Contract made or to be made, for the Wardſhip of the body of I. S. his Maieſties Ward, and the Leaſe of any the ſayd Wards Lands, or for

any

any of them. And that I will not giue, nor any with my conſent ſhall giue, or conſent to be giuen, any gift or reward, directly or indirectly, for the cauſes aforeſaid, or any of them: So helpe me God.

NEuertheleſſe, We are well pleaſed and contented, that if any Wardſhip, Leaſe of land, meane rates, before or after ful age, now be, or hereafter ſhalbe concealed from vs, or if no ſuit ſhalbe made within one yere next after our Tenants death, for ſuch Wardſhip or Leaſe, or if vpon ſuit made within the yeere, an office be found againſt Vs, or the finding of the office vnneceſſarily protracted after the yeere expired, without iuſt cauſe allowed by the Court, that in ſuch caſes the Maſter may admit any fit perſon whatſoeuer, that ſhall make offer to diſcouer our right ſo concealed, or ſought to be concealed, or ſuppreſſed (vpon good matter of proofe ſhewed for vs and approoued by the Court) to proſecute the finding of an

office, and to paſſe the ſaide Wardſhip, Leaſe or mean rates, without reſtraining or binding the ſaid Court, or the parties proſecuting, to the directions aboue mentioned: but that the Maſter of the ſaide Court may according to the parties trauaile, expences, aduenture and ſeruice done vnto vs, reward him by graunt of ſuch Wardſhip, Leaſe or meane rates, in ſuch ſort as others may be encouraged to imploy themſelues in the like ſeruice, and all deuices and practiſes to deceiue and defraud Vs of Our due and iuſt right, bee better preuented, any thing in theſe our Inſtructions or Directions to the contrary notwithſtanding.

Prouided alwayes, and ſo We do hereby declare it to be Our Will and Pleaſure, that where it ſhall appeare to you, that neither Wee nor Our Progenitours haue enioyed any benefit, by Wardſhip, Liuerie, Primer ſeiſin, reliefe, reſpite of homage, Fines, or meane Rates of any lands, within the ſpace of threeſcore yeeres paſt, where ſuch benefite ought to haue come to the crowne if ſuch Tenures had beene acknowledged,

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in ſuch caſes Wee are pleaſed to giue you power and authoritie, to remit and releaſe, all ſuch benefit, and profit, as hath or ought to haue accrued vnto Vs, or Our Progenitours, by reaſon of any ſuch Tenures; allowing to ſuch perſons as haue proſecuted, in our behalfe, ſuch part thereof, as ſhall ſeeme good in your diſcretion, not exceeding a third part of the whole, as the ſame ſhall be found by Inquiſition, ſauing to Vs, Our Heires and Succeſſours, the right and inheritance of Our Tenures, and ſauing Our Prerogatiue, and the benefit and profit of ſuch Tenures of Vs, or Our Progenitours, as doe expreſly appeare by matter of Record, and alſo ſuch as haue bene created, or otherwiſe come vnto Vs, within the ſame time of threeſcore yeeres.

AND now, as We haue ſo ſufficiently directed you, as Wee make little doubt but you will be carefull of Our profit, in the execution of your place; ſo neuertheles, We let you likewiſe know hereby, That ſeeing Our owne iudgement telleth vs, that there

may fall into your consideration, many circumstances which must guide you, in assessing the Fines for marriages of Our Wards, and renting of their Lands, some arising out of the broken estate of the deceased, want of prouision for his wife, his great charge of children vnprouided for, infirmitie or tenderneſſe of the Heire, vncertaintie of the Title, or greatneſſe of incumbrance vpon the Land; ſo as ſome Heire, that may in reſpect of his degree, or blood, or liuing, in opinion of the world, be iudged to deſerue a greater Fine, or rent then ſome other perſon more obſcure, may yet in regard of the cauſes aboue mentioned, or ſome other of like ſort, bee leſſe fit to haue any great charge laid vpon him: Wee doe therefore, notwithſtanding any thing conteined in theſe Our Inſtructions, giue you full libertie, that as theſe, or any the like conſiderations ſhall offer themſelues vnto you, you may vſe that good diſcretion and conſcience which is fit, in mitigating or abating the Fines or Rents, vpon the ſaide Graunts or Leaſes, to the relieſe of ſuch neceſsities:

ceſsities: So alwayes as care be taken, that by any ſuch pretences, that profite which ſhould accrue vnto Vs, be not deriued to any others, that ſhall ſeeke to draw to themſelues a priuate benefit out of this Our gracious care and conſideration.

LAſtly Our Will and pleaſure is, and We do hereby direct and authorize you the Maſter and Counſell of Our ſaid Court, and the Maſter and Counſell of the ſame for the time being, that with the aduice of Our Iudges, Aſsiſtants of Our ſaid Court, you diligently examine, ſearch out and reforme all fraudulent deuices and practiſes, deuiſed or to be deuiſed and put in vre, to deceiue or defeat Vs of Our Wardſhips, or Leaſes of Our Wards Lands, or of any due and iuſt benefit belonging vnto Vs, by reaſon of Our Tenures. In Witneſſe whereof, Wee haue cauſed theſe Our Letters to bee made Patents.

Witneſſe Our ſelfe at Weſtminſter, the 7. day of February, in the eight yeere of Our Reigne of England, France, and Ireland, and of Scotland the foure and fortieth.